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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,395	04/03/2002	Hideki Hisada	112061	3631

7590 08/11/2003  
Oliff & Berridge  
PO Box 19928  
Alexandria, VA 22320

EXAMINER

SMITH, TYRONE W

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/069,395

Applicant(s)

HISADA ET AL. *EW*

Examiner

Tyrone W Smith

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 11-29 is/are rejected.
- 7) ☒ Claim(s) 5-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims <sup>1-9, 11-29</sup>~~1-29~~ rejected under 35 U.S.C. 103(a) as being unpatentable over Koide et al (5934395) in view of Tsuzuki et al (6018198).

RM  
8/4/07

Regarding Claims 1-4, 11, 16-21, 25-27, 28 and 29. Koide discloses a hybrid vehicle drive system, which includes a first electric motor (Figure 2 item 16) that raise an engine to a speed for an ignition (abstract; column 8 lines 14-67 and column 8 lines 1-8). However, Koide does not disclose the control unit performing prepositioning control for controlling the electric motor so that the engine is positioned at a predetermined crankshaft position when stopped.

Tsuzuki discloses a hybrid drive apparatus for a vehicle which includes an electric control unit (Figure 1 item 5) for controlling the engine (Figure 1 item 1) and the electric motor (Figure 1 item 40), where the control unit perform preposition control for controlling the first electric motor with a torque output so that the engine is positioned at a predetermined crankshaft position when stopped (abstract; column 2 lines 33-67, column 3 lines 1-61, column 10 lines 9-67).

It would have been obvious to one of ordinary skill in the art at the time of invention to use Koide's hybrid vehicle drive system with Tsuzuki's a hybrid drive apparatus for a vehicle. The advantage of combining the two would provide a system capable of making a cranking

characteristic at the restart of the engine constant so that the engine is restarted with a good response under a simple control in a state where the vehicle is driven by the motor generator.

Regarding Claim 12-15 and 22-24. Koide discloses a first and second electric motor (Figure 2 items 16 and 22) mechanically connected to the wheel and the control unit controls the second electric motor to absorb a fluctuation in the torque to be outputted to the wheel (column 8 lines 14-67 and column 9 lines 1-65). Tsuzuki discloses a hybrid drive apparatus for a vehicle which includes an electric control unit (Figure 1 item 5) for controlling the engine (Figure 1 item 1) and the electric motor (Figure 1 item 40), where the control unit performs preposition control for controlling the first electric motor with a torque output so that the engine is positioned at a predetermined crank-shaft position when stopped (abstract; column 2 lines 33-67, column 3 lines 1-61, column 10 lines 9-67).

3. Claims 5-10 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tyrone W Smith whose telephone number is 703-306-5987. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370. The fax phone number for the organization where this application or proceeding is assigned is 703-308-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

  
ROBERT E. NAPPI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800